

ROBERTSON, Senior Judge

STATEMENT OF THE CASE

Petitioner-Appellant Ronald A. Williams (“Williams”) is appealing from the trial court’s denial of his motion to correct sentence.

ISSUE

Williams states the issue as:

“The trial Court Judge erred when he refused to grant petitioner his entitled four-hundred (400) days earned credit time served in the county jail. Which is as stated in accordance with and too Indiana Code 35-38-3-2(b)(4).”

FACTS

Williams was sentenced to fifty years after pleading guilty to an armed robbery charge. When the trial judge sentenced Williams, the judge found that Williams was had been confined for 400 days prior to sentencing. The trial court did not include a designation of the class of credit. Williams subsequently filed a motion to correct an erroneous sentence, which the trial court denied. Williams contends that he is entitled to have the 400 days increased to 800 days because of good time credit.

DISCUSSION AND DECISION

Ind. Code §35-38-3-2(b)(4) provides, in applicable part, that when a convicted person is sentenced to imprisonment, the court shall, without delay, certify, under the seal of the court, copies of the judgment of conviction and sentence to the receiving authority, and the amount of credit, including credit time earned, for time spent in confinement before sentencing.

Robinson v. State, 805 N.E.2d 783, 792 (Ind. 2004), provides the answer to Williams’ issue:

In an effort to facilitate the fair and expeditious resolution of appellate litigation arising from these judgments, we adopt the following appellate presumption. Sentencing judgments that report only days spent in pre-sentence confinement and fail to expressly designate credit time earned shall be understood by courts and the Department of Corrections automatically to award the number of credit time days equal to the number of pre-sentence confinement days. In the event of any pre-sentence deprivation of credit time, the trial court must report it in the sentencing judgment. Because the omission of designation of the statutory credit time entitlement is thus corrected by this presumption, such omission may not be raised as an erroneous sentence.

The application of the foregoing presumption is applicable in Williams' situation.

CONCLUSION

There is no error in the trial court's ruling. Judgment affirmed.

KIRSCH, J., and MATHIAS, J., concur.